

REMARKS

The Final Office Action dated July 26, 2004 has been considered. Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Final Office Action

In the Final Office Action, claims 1-23 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2 225 147 to Sakai (hereinafter "Sakai") in view of newly-applied U.S. Patent No. 6,125,232 to Taira et al. (hereinafter "Taira").

Summary of the Response to the Final Office Action

Independent claims 1, 6-11 and 20-23 are newly-amended to differently describe embodiments of the instant application and to afford the Applicants with scope to which they are entitled. Accordingly, claims 1-23 remain pending for consideration.

Rejections under 35 U.S.C. § 103(a)

Claims 1-23 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of newly-applied Taira. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed as follows.

Despite the very detailed distinctions presented in the previous Amendment filed on June 2, 2004, the Examiner asserts in the Final Office Action that Sakai teaches all of limitations of independent claims 1, 6-11 and 20-23, except for specific limitations added to each of the independent claims in the June 2, 2004 Amendment that "the first reproduction control information is Video Title Set Information (VTSI), the first management information is Video Manager (VMG) information, the second reproduction control information is Audio Title Set

Information (ATSI), and the second management information is Audio Manager (AMG) information.”

However, the Final Office Action then applies Taira as a secondary reference that allegedly teaches these features which the Final Office Action admits are missing from Sakai. The Final Office Action alleges, at page 7, that it “would have been obvious to modify Sakai by adding to the magnetic disk of Sakai the logic format of the disk of Taira which includes Video Title Set, Video Title set Managing means, Audio Title Set, and Audio Title Set Managing, which provides the desirable advantage of formatting the video and audio data into files, including the management data for managing the audio and video data files of the audio and video data.”

Applicants respectfully traverse the Final Office Action’s combination rejection under 35 U.S.C. § 103(a) for at least the following reasons. As set forth in detail in the previous response filed on June 2, 2004, Applicants have previously explained that each of the independent claims in this application recites a second reproducing apparatus that is able to reproduce audio, but is not able to reproduce video. An example of such a reproducing apparatus is a DVD-Audio player. The Office Actions to date in this application have interpreted this feature as being met by a reproducing apparatus (i.e., the electronic still camera of Sakai) that has the ability to reproduce pictures alone, audio alone, and still pictures and audio combined. Accordingly, Applicants amended each of the independent claims on June 2, 2004 to amend the recitation of the “second reproducing apparatus” in order to clarify Applicants’ intention of reciting the feature that the second reproducing apparatus is “able to reproduce audio, but is not able to reproduce video.”

On the other hand, the newly-applied Taira reference discloses a method and apparatus for recording at least one title set and a volume information file at a high density on an optical disk. This high density disk is disclosed as being able to store at least one movie and a plurality of audio files representing various languages, one of which can be selected as the audio track for a selected movie depending on the language which the user desires to hear when watching the movie. There is no teaching or suggestion of reproducing only audio from the high density disc of Taira. Instead, the disclosure of Taira would teach away from such a suggestion.

Accordingly, Taira does not teach or suggest to any extent the provision of audio manager information (i.e., second management information) for “a second reproducing apparatus that is able to reproduce audio, but is not able to reproduce video” in the manner recited in the claims of the instant application.

The Final Office Action addresses these claimed features with regard to the primary reference Sakai at the paragraph spanning pages 2-3, for example. Here, the Final Office Action states that “as shown by Sakai, this control information reads on the control code that corresponds to the audio signal during the reproduction of the audio signal only, and this control code reads on the claimed second management information for the second reproduction apparatus (see Sakai, page 6, lines 10-17).”

However, as discussed above, Applicants amended each of the independent claims of this application in the previous response filed on June 2, 2004 to emphasize that the claimed second reproducing apparatus has the ability to reproduce audio, but is not able to reproduce video. An example of such a reproducing apparatus is a DVD-Audio player. It is clear that the electronic still camera reproducing apparatus disclosed in Sakai is not limited to reproducing only audio

(i.e., not capable of reproducing video) because it has the ability to reproduce pictures alone, audio alone, and pictures and audio combined.

In other words, while the Final Office Action asserts, in the paragraph spanning pages 2-3, that Sakai teaches the ability of its disclosed apparatus to reproduce only audio in a certain mode, it is clear from the foregoing discussion, as well as from the fact that Sakai's apparatus is an electronic still camera, that Sakai's apparatus is also able to reproduce still pictures as well as a combination of still pictures and audio. Unlike the second reproducing apparatus recitations specifically recited in each of the independent claims of this application, Sakai's camera is certainly not limited to reproducing only audio.

Nevertheless, even in light of these particular detailed distinctions between the applied references and the combinations respectively recited in each of the claims of the instant application, Applicants have opted to even further amend each of the independent claims in order to emphasize these differences and to expedite prosecution of this application.

Accordingly, independent claim 1 has been newly-amended to recite an information record medium that includes substantial information including video information and audio information which are related to each other; first reproduction control information to reproduce the video information and audio information out of the substantial information only for a first reproducing apparatus with video and audio reproduction ability; first management information only for the first reproducing apparatus; second reproduction control information to reproduce only the audio information out of the substantial information only for a second reproducing apparatus that is able to reproduce audio, but is not able to reproduce video; and second management information only for the second reproducing apparatus, and wherein the substantial information, the first reproduction control information, and the first management information are

recorded in the video zone, and the second reproduction control information and the second management information are recorded in the audio zone, and wherein the first reproduction control information is Video Title Set Information (VTSI), the first management information is Video Manager (VMG) information, the second reproduction control information is Audio Title Set Information (ATSI), and the second management information is Audio Manager (AMG) information. Similar amendments have also been incorporated into each of the remaining independent claims 6-11 and 20-23. Support for these amendments can be found in the specification of the instant application at page 24, line 3 to page 25, line 13, for example. In particular, Applicants refer to page 25, lines 17 to 19 of the specification as originally filed.

Applicants respectfully submit that the feature associated with embodiments of the instant application that only audio information recorded on the video DVD is reproduced indicates that the claimed second reproducing apparatus (DVD-Audio Player, for example) reproduces only the audio information out of the substantial information.

In other words, the information record medium combination described in newly-amended claim 1 has two sets of reproduction control information and management information: 1) the first reproduction control information and the first management information, and 2) the second reproduction control information and the second management information. Because the first reproduction control information is information for reproducing the video information and audio information out of the substantial information and the second reproduction control information is information for reproducing only the audio information out of the substantial information, the information record medium recited in independent claim 1 can both be: 1) reproduced by the first reproducing apparatus (DVD-Video Player, for example) by use of the first reproduction control information and the first management information, and also can be: 2) reproduced by the second

reproducing apparatus (DVD-Audio Player, for example) by use of the second reproduction control information and the second management information.

In other words, Applicants respectfully submit that because the information record medium in the present invention has two sets of reproduction control information and management information, the information record medium recited in independent claim 1 can be reproduced by two different types of independent reproducing apparatuses.

On the contrary, Applicants respectfully submit that Sakai discloses “two kinds of control codes corresponding to the sound signal and the picture signal” at page 12, lines 21 to 22.

However, in Sakai, one of the control codes corresponds to the sound signals, and the other control code corresponds to the picture signals. See page 6, lines 10 to 17 of Sakai. When the sound signals are fetched, the control code corresponding to the sound signals is detected. See page 12, lines 9 to 12 of Sakai. When the fetched signal is the signal recorded at the simultaneous record mode including the picture signal and the sound signal, two kinds of control codes corresponding to the sound signal and the picture signal are detected. See page 12, lines 18 to 22 of Sakai.

Accordingly, Applicants respectfully submit that Sakai does not teach, or even suggest, that only the sound signals are played-back from the signal recorded at the simultaneous record mode including the picture signal and the sound signal. Therefore, Sakai does not teach, or even suggest, the claimed second reproduction control information that reproduces only the audio information out of the substantial information only for the second reproducing apparatus. Even further, Sakai does not teach, or even suggest, the claimed second reproducing apparatus that is able to reproduce only audio information (i.e., not capable of reproducing video).

Applicants respectfully submit that newly-applied Taira reference discloses an optical disk on which at least one movie, audio information representing various languages one of which can be selected for the movie, and from which any item of information recorded can be reproduced are recorded, and from which any item of information recorded can be reproduced. Taira discloses that audio information can be selected corresponding to the movie, and the audio information and the movie can be reproduced simultaneously. However, Taira does not disclose that only audio information associated with a movie can be reproduced separate from the video information associated with the movie. In other words, Applicants respectfully submit that Taira does not disclose, or even suggest, the claimed second reproduction control information that reproduces only audio information out of the optical disk on which a movie and audio information are recorded. Even further, Taira does not disclose, or even suggest, the claimed second reproducing apparatus that is able to reproduce only audio information (i.e., not capable of reproducing video).

As discussed above, Applicants respectfully submit that neither Sakai nor Taira discloses, teaches, or even suggests the claimed second reproducing apparatus that is able to reproduce only audio information (i.e., not capable of reproducing video) out of the substantial information in the manner recited in newly-amended independent claim 1. Accordingly, Applicants respectfully submit that even assuming, strictly arguendo, that Sakai and Taira could be combined as suggested by the Office Action, a person skilled in the relevant art could not achieve the combination of technical features of newly-amended independent claim 1. Similar assertions also apply to the remaining independent claims 6-11 and 20-23, as newly-amended.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither Sakai nor Taira, whether taken singly or combined, teach

or suggest each feature of independent claims 1, 6-11 and 20-23, as amended. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that dependent claims 2-19 and 12-17 are allowable at least because of their dependence from their respective independent claim 1 and 6-11, and the reasons set forth above.

Conclusion

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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